

# THE CASE OF

ANTHONY GOMEZSERA and several other JEWS,

As tis Stated by themselves; to the Rt. Honourable, the LORDS of  
Their Majesties most Honourable Privy Council. With Answers  
to each Paragraph.

The Jews  
1st. Par.

**A**NTHONY GOMEZSERA, and several others, were made Free Denizens of this Kingdom, some by King Charles the II. and some by the late King, by Vertue whereof they are to pay no more Customs than the King's Natural born Subjects.

Answer 1. The former part of this Paragraph is true, but 1 H. 7. 2. the latter which says they are to pay no more Customs than the Kings Natural born Subjects, is against the Statutes, which plainly declare, That 16. Aliens made Denizens shall pay the same Duties 22 H. 8. 8. they did before they were made Denizens.

2d. Pr. In the beginning of the late King, a question arose whether the said Jews, and the rest of the Persons who were Indenized by King Charles the II. were subject to the payment of the Aliens Duty, upon the new Grant of the Customs to King James, and it was resolved by the then Kings Council Learned, that they were not subject to pay Alien Duty.

An. 2d. In King Charles the 2d's time they did not only obtain Patents of Denization, as is in the first Paragraph asserted, but also got Clauses of Exemption from payment of the Alien Duty, non obstante the above said Statutes: Now the Alien duty being granted to the said King only for his Life, the Question was, Whether the said Alien Duty was not payable to King James by Act of Parliament? Which gives him the Customs and Alien Duty too, in the same manner it was first given to King Charles, non obstante those Clauses. 'Tis true that Sir Robert Sawyer seemed to be of Opinion, that those Clauses remained good, and not one more of that Kings Council did it, but on the other side; The present Lord Chief Justice Holt, Lord Chief Justice Pollexfen, Sir Cresswell Levinz, Mr. Finch, Sir William Williams, and divers other Council Learned have declared, and subscribed their Opinions, that those Clauses terminated with the Life of King Charles II.

12th. Car. 2d. 1. Jac. 2d. Sometime after that, the same Question was again started by troublesome Informers, and upon a solemn hearing of the matter before the late Lord Treas. the Earl of Rochester, by Council Learned on both sides, it was also so determined; and they were told by the Commissioners of the Customs, they might freely Trade as formerly; and the practice has been accordingly, as well before as since the said Determination, and no more was ever demanded of the said Denizens.

3d. P. The Question was stated on the same grounds, and an hearing was had before the Lord Treas. the Earl of Rochester, by Council on both sides, and for the Jews, none but the said Sir Robert Sawyer appeared; but for the troublesome Informers (as the Jews call them) the present Lord Chief Justice Holt, Sir Cresswell Levinz, Mr. Finch, and Mr. Fowcault

appeared; and after a long debate of the matter his Lordship was pleased to sum up the whole, and positively declared, That in his Opinion, the Jews ought to pay the Alien Duty; and the Informers attended his Lordship next day, begging his Lordship to hasten his Report under his hand: But in a few days after his Lordship left the Employ of Lord High Treasurer, without making any Report or Determination in Writing of it.

'Tis believed that the then Commissioners of the Customs, over whom Sir Nicholas Butler had the Ascendant, (and was an intire Friend of the Jews) might acquaint the Jews they might Trade on freely as formerly, and that accordingly they have ever since, as well as before, practised it, but that an was contrary to Law, to the interest of the Crown, and the Trade of this Nation, will be made Apparent.

Soon after this, one Haynes, and two other troublesome Informers, brought Informations of Devenant against the said Denizens in the Exchequer, for the Recovery of the value of all the Goods they had imported since the death of King Charles the II. Whereupon having applyed to the King and Council, they immediately obtained Relief, and the then Attorney General was commanded, by an order of Council, to enter Noli prosequi upon the said Informations, and the Denizens Patents once more confirmed in the said Order of Council.

Mr. Haynes knows the Fallacy and Tricks of the Jews in their way of Trade so well, that he must be an Enemy to the King, the Nation, and Trade of the fair dealing English Merchant, if he did not concern himself in this Prosecution; and the two Informers that join with him, are men of Credit, the one a Justice of Peace at this present time in Surrey, and the other both the Son and Brother of a Barronet, who did bring Writs of Devenant against them, as is asserted, grounded on their non Payment of the Alien Duty, according to Law, which also was done by leave from the then Lords Commissioners of the Treasury; and it seems the case at Law was so bad on their side, that nothing but a Noli prosequi could assist them, which they by the Influence and Power of Sir Nicholas Butler procured without notice given to the Informers; and Sir Thomas Powis who was then Attorney General, and had also been of Council for the Informers, declared, That he was surprized at the Order, and that it was procured by Sir Nicholas Butler, but also he said he must obey the King and Councils Command, but the aforesaid illegal Clauses of Exemption from payment of Alien Duty are not thereby confirmed.



5th. Pr. 'Notwithstanding all which, these same informers, being a restless sort of People, and believing the said Merchants may be frightened into some composition, having commenced a new suit against 20 of them, making use of one *Thomas Penington* to inform against them, who has lately arrested all of them in the Kings Name for vast Sums, being the value of all the Goods they imported ever since the 11th. of *December*, 1683. which does greatly impair their Credits, and put a stay to their Trading; That some of the twenty Merchants this Informer has Arrested and informed against, are not Denizens, but always paid Duties as Aliens for all they imported; and those that are Denizens have not taken the benefit of their Patents, but for what Goods belonged to themselves, paying still as Aliens for all that was consigned to them by their Friends abroad, inasmuch that above half of what they are Arrested for, they have paid the full Duties as Aliens, which shews their not being minded to defraud the King of his just due, but only made use of their Grant as it was intended them by their Letters Patents, and in pursuance of what has always been practised and allowed by the Government, by whose Protection and the encouragement of so many several Acts of State they have hitherto traded.

14. S. The Informers are no farther restless, than endeavouring to procure the payment of their Majesties just Dues, and thereby keep the ballance of Trade equal betwixt the *English* and *Alien* Merchants: And the allegation of a Design of frightening the *Jews* into a composition, is a great falsehood, also Mr. *Penington* is not made use of by the others, but acts for the King and himself, by advice of Council Learned, intending to try the matter next Term. 'Tis true, that they are prosecuted for 5000*l.* on Forfeitures they have run themselves into since the 11th. *December* 1688. the Moiety whereof is for his Majesties use, and the Informations are grounded on the established Laws of this Nation, and in particular the late Act of Parliament, which grants their Majesties the Aliens Duty, which the *Jews* have not paid. And if those Prosecutions impair their Credit, they may thank themselves, their illegal Actions being the cause of it; and if they pay all the Prosecutions that are by the Informers brought against them, it doth not amount to so much as the Alien Duty which by their said illegal *Non Ostante* Clauses, and other shifts they have defrauded the Crown of, so that 'tis in effect but the payment of an old Arrear. As to their Allegations that they have paid Aliens Duty for their Friends, &c. 'tis answered, that no Prosecution is made for any part thereof, and the trial at Law will decide it.

6th. P. 'And for what concerns the Aliens Duty outwards, that Duty having been taken off by Act of Parliament in King *Charles* the Seconds Reign, and by Proclamation in the late Reign, because it was found greatly to prejudice the exportation of the *Woollen* Manufactures, it was never demanded from any body, it having been taken for granted by the Commissioners of the Customs, That it was so intended by the New Grant of the Customs to his present Majesty, till of late the said Commissioners of the Customs have been directed, and they have ordered the Merchants to deposit the said Duty outwards, till his Majesty shall be pleased to declare his further pleasure therein.

As. 6th. The Alien Duty outwards was taken off by Act of Parliament, 25 *Car.* II. and the Act *primo Jac.* II. gave it again to King *James* as it was given to King *Charles* XII. *car.* II. the then Commissioners of the Customs stated the Question to Mr. Attorney, and Mr. Solicitor General, Whether the Alien Duty outwards ought thereupon to be paid or not? And had for answer, That by Law it ought to be paid. On which the said Commissioners ordered all their Officers concerned to receive it, by their circular Letters dated the 19. of *October* 1685. And ac-

cordingly it was received till Sir *Peter Vandeput* and a few other Merchants procured an Order of Council dated the 22d. of *January* 1685. to remit it during his Majesties Pleasure; and this was so far from being a general Act of the *English* Merchants, that a great many of them in *London* petitioned against it, (a Copy whereof is annexed.) The *Hambrough* Company, the *Eastland* Company, the Merchants of the *West*, and of the North of *England* did the like; but Sir *Nicholas Buxley* Interest was then above them all. His present Majesty by his Order in Council dated 14th. of *October* last, ordered its Receipt notwithstanding the said Order of King *James*, &c. a Copy whereof is also annexed: Now considering, that the Grant of the Customs to their present Majesties was the same with that to King *James*, and that the Opinion of Council above-said, and the Commissioners of the Customs Order of the 19th. *October* 1685. is of too late a date to be forgotten, it cannot be supposed, but that the *Jews* lay too bold a charge on the said Commissioners of the Customs, in saying, it was taken for granted by them, That it was never intended by the new Grant to his present Majesty, and yet they are not ashamed also to say that the said Commissioners have Ordered the Merchants only to make a deposit, when the Order of Council is positive for the Receipt thereof; but this is but like *Jews*; for in this very Paragraph they say too, That the Alien Duty was taken off by Proclamation in the late Reign, when 'tis certain that no Proclamation ever came out of that concern.

'Note, that if these Informations are encouraged, 7th. Pr. all Merchant Strangers and several of their Majesties Subjects, and perhaps all the Merchants in *England* are exposed to the mercy of Informers upon account of *English* Manufactures they have, exported for the account of Foreigners.

The present Lord Mayor, several Aldermen, the Sheriffs, and a great number of the most Eminent Merchants in the City of *London*, presented lately an Address of thanks to his Majesty for his said gracious Order in Council of the 14th. of *October* last, for payment of the Aliens Duty outwards, (a Copy whereof as it is printed in the *Gazet* the 23d. of *December*, is annexed,) and 'tis absolutely true, that no fair dealing *English* or *Alien* Merchant can be subject to the mercy of Informers; if any *English* Men are, they deserve not the name of Merchants, and 'tis advisable for such Men to read the Stat. of *Edw.* 6. But for the *Jews* 'tis so natural to them that nothing but the execution of the Laws can enlighten their Understandings.

'This matter has been before the Right Honourable the Lords Commissioners of their Majesties Treasury, who refer'd the Petition of these Merchants to the Commissioners of the Customs, directing them to examine it, and make their Report, which they did, and by it confirm, the Petitioners Allegations; But their Lordships not thinking fit to determine any thing thereupon, directed them to apply themselves to the King and Council, which they have accordingly done, praying his Majesty would be graciously pleased to command his Attorney General to enter *Nota* *Prosequi*, upon the several Informations brought against the Petitioners, thereby to be freed from the great Charges and Vexation of a Suit, and restored to their former good Credits, and enabled to carry on their Commerce, as cheerfully as heretofore they have done, paying to the King his just Customs, in which humble Suit, the Petitioners most humbly pray your Lordships favour and protection.

'Tis true, that this matter was before the Right Honourable the Lords Commissioners of the Treasury, and refer'd to the Commissioners of Customs, as is asserted; but that the Commissioners of the Customs have confirmed their Allegations, is beyond belief, since some of their Allegations are illegal, and nothing under the Dispensing Power can help them, and others are absolutely false, and therefore not fit to be credited; both or either



ther of which are not to be thought was ever intended by the said Commissioners of the Customs: When the Commissioners Report came back to the Lords of the Treasury, they say, their Lordships did not think fit to determine any thing, but directed them to the King and Council; and here they pray for a *Nobis Possit*, &c. which is as much as to say, We pray your Majesty to forgive us 29000*l.* which by Law we know we ought to pay for our Forfeitures, since your Majesties Accession to the Crown, and that for the future your Majesty would permit us to trade on as cheerfully as heretofore paying your Majesty just as of late years we have done, which is 10000*l.* *Per Ann.* less at least then by Law we ought to do. But Mr. *Perrington* humbly hopes, that your Lordships will permit the course of Law and Justice to go on, his only design being, That their Majesties may recover a part of that which the Crown hath formerly been defrauded of by them, and that for the future they may answer the Legal (which is the only) just Customs, which is the direct way to bring the Balance of Trade again into an equality, and thereby advance the *English* interest both at home and abroad.

At the Court at *Hampton-Court* the  
14<sup>th</sup>. of *October*, 1689.

PRESENT.

The **KINGS** Most Excellent Majesty in Council.

**T**HE Right Honourable the Lords Commissioners of Their Majesties Treasury, having this day laid before His Majesty in Council a Presentment of the Commissioners of the Customs, setting forth, that by an Act of Parliament, made in the 25<sup>th</sup> year of the Reign of His Majesty King *Charles* the II. The Aliens Duty was taken off upon the Exportation of all the Native Commodities of this Kingdom, except Coles: And by an Act of Parliament made in the first year of His late Majesty King *James* II. by which the Revenue was granted to his said Majesty King *James*, in the same Condition that it had been granted to King *Charles* II. in the 12<sup>th</sup>. year of His Reign: The said former Act for taking off the Alien Duty was in the Opinion of Council, learned in the Laws, Rescinded or Repealed, and the Alien Duty became again payable upon the Native Commodities of this Kingdom, Exported by Strangers, untill by an Order in Council of his said late Majesty King *James*, bearing date the 22<sup>d</sup>. of *January*, 1685, upon the Petition of divers Merchants of the City of *London*, and hearing the then Commissioners of the Customs, His said Majesty was pleased to declare, That He would take or receive no other Customs of Merchants Strangers for Goods Exported of the Native Product or Manufacture of this Kingdom, then what were payable to His said Majesty King *Charles*, at the time of his Demise, by Virtue of the said first mentioned Statute made in the 25<sup>th</sup>. year of his Reign. And by an Act made this present Session of Parliament, the Revenue is made payable to their Majesties, as the same had Continuance upon the 5<sup>th</sup>. day of *November* last, by which the

said Alien Duty seems again to be Revived. And therefore humbly praying the Directions of this Board therein.

It was, upon due Consideration thereof, this day Ordered by his Majesty in Council, That the said Lords Commissioners of the Treasury do forthwith give Directions to the Commissioners and other the Officers of Their Majesties Customs, whom it may concern, for Levying and Collecting all such Duties, as by Law are payable for all Goods of the Native Product or Manufacture of this Kingdom that shall be Exported by Strangers, notwithstanding the said Order of the 22<sup>d</sup>. of *January*, 1685, or by any other Direction to the contrary.

*A True Copy.*

To the Kings Most Excellent Majesty,  
The Humble Petition of several *English*  
Merchants of the City of *London*.

Sheweth,

**T**HAT in *January*, 1685, Sir *Peter Vandeput*, and a few others, having Petitioned Your Majesty for the Remission of the Aliens Duty, Outwards, upon hearing the Commissioners of the Customs, Your Majesty was pleased to declare Your Pleasure in favour of the Petitioners, and to remit the Aliens Duty for all Goods Exported of the Native Production and Manufacture of this Kingdom, untill Your Majesty should find cause to alter Your Royal Pleasure therein.

And Your Petitioners being informed that some Persons are attempting to get the Aliens Duty inwards remitted also, in all Humility do represent to Your Majesty, that the remission thereof, either inwards or outwards, is a Publick Damage to the Interest of Your Majesties Kingdoms, a Diminution of Your Revenue, and the Trade of Your *English* Merchants, and a means to transplant that, and the Mysteries of our Artifices into the hands of Forraigners, to the ruin, not only of the Trading and Working People at home, but also of the several *English* Factories abroad:

Your Petitioners therefore most humbly beseech Your Majesties leave that they may be heard, to demonstrate to Your Majesty the consequence of such Remission; And Your Petitioners (as in duty bound) shall ever humbly pray, &c.

Math. Andrews, John More.  
Tho. Griffith. Wm. Wrayford.  
Fra. Kemp. John Eyles.  
Tho. Duche. John Hyde.

Bar.



Bar. Gracedew.	Tho Hunt.
Ben. Dennis.	Wm. Gore.
Cha. Thorold.	Fra. Eyles.
Wm. Cowper.	Fra. Bayrton.
Rich. Hayte.	Rice. Ryves.
James Wayte,	Nath. Maxey.
Rain. Waterhouse,	Joseph Martyn.
Jo. Harvey,	Sam. Nash.
Sam. Loek.	Rog. Williams.
Jo. Jackson.	Bed. Higham.
James Wallis.	Gre. Westcomb.
Jo. Kent.	Wm. Barnes.
Hum. Morrice.	John Chapman.
Fra. Rainsford	Henry Tulse.
Henr. Hunter.	Rob. Jeffery.
Hugh Strode.	Ben. Newland.
Math. Grantham.	Sam. Dashwood.
Jo. Flavell.	Jacob Lucy.
Tho. Bawds.	Bbn. Aylofe.
Tho. Braylsford	Ralph Hardwick.
Tho. Morgan.	Robt. Master.
Abra. Anselme.	Tho. Deade.
Jo. Blackwell.	Adam Bellamy.
Mark Proudfoot.	James Rudge.
Anth. Wallinger.	Jo. Cross.
Abra. Beak.	Dan. Allen.
Wal. Watkyn.	Math. Vincent.
Sam. Allen.	Phillip Wheat.
Isaac Crabb.	

The *Hambourgh* Company, the *Eastland* Company, the Merchants of the *West* of England, and the Merchants of the *North* of England presented the like Petitions apart, which shews the generallity of the *English* Merchants Opinion.

*White-Hall, Decemb. 14.*

**T**HE following Address, sign'd by the Right Honourable the Lord Mayor, several Aldermen, the Sheriffs, with a great number of the most Eminent Merchants in and about the City of *London*, was presented to his Majesty in his Bed-chamber, by *William Cranmar*, Esq; (being introduced by the Right Honourable the Earl of *Monmouth*,) which his Majesty received very Graciously; and as a mark of his Royal Favour, was pleased to confer upon the said *William Cranmar* the honour of Knighthood.

*To the King's most Excellent Majesty,*

The humble Address of divers English Merchants in and about the City of *London*.

**A**S GOD Almighty, by his Providence, hath preserved Your Royal Majesty in a Glorious Undertaking, of Rescuing our Religion, Laws, Liberties, and Properties, which were on the brink of Destruction; and seated Your Sacred Majesty on the Royal Throne; so we, in particular manner, cannot, but with all Gratitude, acknowledge Your Majesties great Wisdom and Goodness, in restoring to us, Your Dutiful and Loyal Subjects, our Ancient Legal Rights and Privileges, by Your Majesties Gracious Order in Council, dated the 14th. of October last, Ordering the Levying and Collecting all such Duties, as by Law are payable, for all Goods of the Native Product and Manufacture of this Kingdom, that shall be exported by Strangers, notwithstanding the Order in Council of the late King James, dated the 22th. of January 1685. or any other Direction to the contrary.

Give us leave therefore, Dread Sovereign, humbly to represent to Your Sacred Majesty, That the Alien Duty, both inward and outward, was long since erected to secure the Trade of this Nation to the English Merchants, (whose Interest and Aim it is to advance the same,) As the Act of Navigation was to encourage and increase our English Shipping, which we humbly conceive must needs be lost if not equally maintained; and by that means Your Majesty will not only preserve both those great Concerns to the Nation, but also revive an Ancient Revenue belonging to the Crown, and enable us, and all Your English Merchants in this Kingdom, to trade upon equal Terms with Aliens, and raise again our Factories into their former Reputation, which otherwise we cannot do.

That the Great GOD of Heaven, by whom King's Reign and Princes decree Justice, may always conduct Your Majesty in this world, and afterwards receive You into His Everlasting Mansions in the world to come, is, and shall be the cordial and constant devout Prayers of

Your Majesties most Loyal, Dutiful, Thankful, and most Obedient Subjects and Servants.